

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

CHAPTER 300 - Resources

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304.01.05N TRANSFER OF ASSETS NOTIFICATION

The applicant/client will be notified via the appropriate DOM-322, Notice of Transfer of Assets, i.e., OBRA 93 or DRA, regarding countable transfers and the penalty period. The transfer and the penalty must be clearly indicated. The notice allow the client or representative time to present evidence to show that the transfer should not count. Evidence should include a written rebuttal plus any pertinent documentary evidence.

If no rebuttal is offered, the penalty will be applied and the appropriate adverse action notice. Individuals in nursing homes remain eligible for all other Medicaid services if the transfer penalty is the only factor of ineligibility; therefore, payment of nursing home services only will be denied or terminated. If the individual is ineligible on other factors as well as the transfer, the application or case must be denied or terminated. If Medicaid eligibility is dependent on participating in the HCBS waiver program, the application is denied or the case is closed until the transfer is outside the 5-year look back period; These individuals can be approved in a Medicare Savings Program (QMB, SLMB, QI) if all other criteria are met.

NOTE: Notice to the client via DOM-322 is required whenever a transfer is being charged. This is true even if the penalty period has expired and the action to be taken is an improper payment. DOM-322 must be issued prior to submitting an improper payment in order to allow the client the chance to rebut the transfer. All DOM-322s must be submitted for approval to the Bureau Director, Deputy prior to issuance.

304.01.05O REBUTTAL PROCESS

Written rebuttals along with the Regional Office decision regarding acceptability are to be submitted to the Bureau Director, Deputy, prior to issuing final notice to the client. The material submitted to State Office should include the rebuttal, a copy of DOM-322 issued to the client, and a summary of the circumstances surrounding the transfer. The Bureau Director, Deputy, will issue a memorandum to the Regional Office explaining the final decision on the transfer.